

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jeffrey J. Grimes,)	
)	C/A No. 0:17-1338-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
FCI Estill, SC; Warden Joyner;)	
Anthony Carter, BA Unit Counselor/)	
Unit Team,)	
)	
Defendants.)	
_____)	

Plaintiff Jeffrey J. Grimes is an inmate in custody of the Federal Bureau of Prisons. Plaintiff currently is housed at USP-Coleman in Coleman, Florida. At the time of the underlying events, Plaintiff was housed at FCI-Estill in Estill, South Carolina. Plaintiff, proceeding pro se and in forma pauperis, seeks injunctive relief or protective order against Defendant Carter and another staff member named Mansfield. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett.

The Magistrate Judge reviewed the action pursuant to provisions of the Prison Litigation Reform Act, including 28 U.S.C. §§ 1915 and 1915A. On January 12, 2018, the Magistrate Judge issued a Report and Recommendation in which she noted that the relief Plaintiff seeks is not available because Plaintiff no longer is located at FCI-Estill. Accordingly, the Magistrate Judge recommended that the complaint be summarily dismissed. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole

or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Ace. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Plaintiff’s [14] motion for a preliminary injunction and protective order is denied and Plaintiff’s complaint is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Margaret B. Seymour
Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina
March 29, 2018